

SEP 14 2011

JULIA C. DUDLEY, CLERK  
BY: *M. Hupp*  
DEPUTY CLERK

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America  
v.  
JAMES CEDRIC HAYDEN)  
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)

Case No: 7:94CR00078-1

USM No: 04518-084

Date of Previous Judgment: 03/24/2008

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 295 months is reduced to 211 months\*.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38

Amended Offense Level: 34

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 235 to 293 months

Amended Guideline Range: 151 to 188 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

\* The defendant's term of imprisonment is hereby reduced to not more than two hundred eleven (211) months, but not less than time served. Defendant's total term of imprisonment of 211 months consists of 151 months as to counts 1, 2, 3, 4, and 6 to run concurrently with each other; 60 months as to count 5, to be served consecutively to all other counts.

Except as provided above, all provisions of the judgment dated 03/24/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 9-13-11

*Jackson S. Risen*  
Judge's signature

Effective Date: 11/01/2011  
(if different from order date)

Senior United States District Judge  
Printed name and title